

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FL RECEIVABLE TRUST 2002-A	:	CIVIL ACTION
	:	NOS. 02-2080
v.	:	02-2086
	:	02-2710
BAGGA ENTERPRISES, INC.	:	02-2711
JAMUNA REAL ESTATE, LLC	:	
UNITED MANAGEMENT SERVICES,	:	
INC. and WELCOME GROUP, INC.	:	

ORDER

AND NOW, this 14th day of January, 2004, upon consideration of the motion of plaintiff to compel defendants to review and produce documents produced pursuant to third party subpoenas (Doc. No. 53 in Civil Action 02-2080), a copy of which was duly served upon defendants and Mrs. Kushvinder Bagga ("Mrs. Bagga"), there being no response from defendants or Mrs. Bagga, the court hereby finds that:

1. by order dated October 9, 2003, the court denied Mrs. Bagga's motion to quash and required the third party banks to respond to subpoenas issued by plaintiff "no later than October 27, 2003";
2. the third party banks complied with the order of the court and have had collections of responsive documents awaiting review by defendants and Mrs. Bagga for privileged materials;
3. defendants and Mrs. Bagga have failed to produce the reviewed and redacted documents to plaintiff.

Accordingly, the motion to compel is GRANTED and it is hereby ORDERED that:

1. no later than January 26, 2004, defendants and Mrs. Bagga shall redact any privileged materials from the responsive documents produced by the third party banks, create a privilege log thereof, and produce said documents to plaintiff along with a copy of the privilege

log;

2. if defendants and Mrs. Bagga fail to perform such a review by January 26, 2004, then all opportunity to redact, and any objections to production based on privilege, shall be waived and the third party banks are to produce the responsive documents directly to plaintiff; and

3. plaintiff shall serve a copy of this order on each affected third party bank and file a certificate with this court confirming service upon each affected third party bank.

4. It is hereby further ORDERED that the request of the plaintiff for attorneys fees and costs associated with the motion is GRANTED pursuant to Federal Rule of Civil Procedure 37(b)(2). Plaintiff shall prepare a more specific verified proposed motion regarding this issue detailing the hours spent on preparing the instant motion as well as the costs and fees associated with said motion and serve a copy of the proposed motion upon opposing counsel no later than January 26, 2004. In the event that the opposing parties are unwilling to pay the fees and expenses sought by the proposed motion without further litigation, the plaintiff shall file the motion with the court no later than February 9, 2004.

LOWELL A. REED, JR., S.J.